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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211611
Party	Defendant Jamaican Teas Limited
Correspondence Address	EVERETT E. FRUEHLING CHRISTENSEN O'CONNOR JOHNSON KINDNESS 1420 5TH AVE STE 2800 SEATTLE, WA 98101-1344 efiling@cojk.com
Submission	Answer
Filer's Name	Alina S. Morris
Filer's e-mail	alina.morris@cojk.com,litdoc@cojk.com
Signature	/Alina S. Morris/
Date	08/23/2013
Attachments	3586 Answer to Opposition.pdf(35282 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Westbrae Natural, Inc.,

Opposer,

v.

Jamaican Teas Limited,

Applicant.

Opposition No. 91211611

APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION

Jamaican Teas Limited (“Applicant”), through its attorneys, hereby submits its Answer to the Notice of Opposition filed by Westbrae Natural, Inc. (“Opposer”), on July 17, 2013, opposing the registration of U.S. Trademark Application No. 85/753,130, for the mark CARIBBEAN DREAMS in connection with “Coffee, tea, cocoa, iced tea” in International Class 30 and “Drinking water, flavoured waters, fruit juices” in International Class 32.

With respect to the allegations made in the Notice of Opposition, Applicant responds as follows:

Opposer's Notice of Opposition is predicated on a false premise; namely—that Applicant's mark is CARIBBEAN DREAM.

1. Applicant is without sufficient information to form a belief as to the truth regarding Opposer's name, state of incorporation, and place of business in Paragraph 1, therefore denies the same. Applicant denies the remainder of the allegations asserted in Paragraph 1.

2. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 2, and therefore denies the same.

3. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 3, and therefore denies the same.

4. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 4, and therefore denies the same.

5. Applicant admits the allegations asserted in Paragraph 5 regarding the date and filing particulars of Applicant's Application. Applicant is without sufficient information to form a belief as to Opposer's allegation regarding Opposer's rights in and to Opposer's marks, and therefore denies the same.

6. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 6, and therefore denies the same.

7. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 7, and therefore denies the same.

8. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 8, and therefore denies the same.

9. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 9, and therefore denies the same.

10. Applicant re-submits the responses contained in Paragraphs 1 through 10 of this Answer to Notice of Opposition.

11. Applicant denies the allegations asserted in Paragraph 11.

12. Applicant denies the allegations asserted in Paragraph 12.

13. Applicant denies the allegations asserted in Paragraph 13.

14. Applicant denies the allegations asserted in Paragraph 14.

15. Applicant is without sufficient information to form a belief as to the truth of the allegations asserted in Paragraph 15, and therefore denies the same.

16. Applicant denies the allegations asserted in Paragraph 16.

17. Applicant admits the allegations asserted in Paragraph 17.
18. Applicant admits the allegations asserted in Paragraph 18.
19. Applicant denies the allegations asserted in Paragraph 19.
20. Applicant re-submits the responses contained in Paragraphs 1 through 20 of this Answer to Notice of Opposition.
21. Applicant denies the allegations asserted in Paragraph 21.
22. Applicant denies the allegations asserted in Paragraph 22.
23. Applicant denies the allegations asserted in Paragraph 23.
24. Applicant denies the allegations asserted in Paragraph 24.
25. Applicant denies the allegations asserted in the unnumbered paragraph following Paragraph 24.

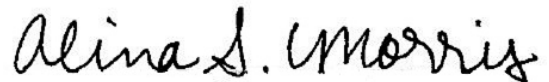
AFFIRMATIVE DEFENSES

1. Petitioner reserves the right to amend this Answer to include affirmative defenses that may become apparent throughout the course of further investigation and/or discovery.

Wherefore, Applicant respectfully requests that Opposition No. 91211611 be dismissed with prejudice.

Dated this 23rd day of August, 2013.

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Everett E. Fruehling
Alina S. Morris
Attorneys for Applicant,
Jamaican Teas Limited

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, a true and complete copy of the foregoing Answer to Notice of Opposition is being duly served upon counsel for the Opposer, via First Class Mail, postage prepaid to:

Melissa Heddell
Westbrae Natural, Inc.
58 South Service Road suite 250
Melville, NY 11747

Date: August 23, 2013

Austin Carr